

09/921,103

T068

REMARKS

Claims 1-46 are currently pending in the subject application and are presently under consideration. Claims 1- 22 have been allowed. Claims 23, 38, 41, 42, and 46 have previously been amended.

In the Advisory Action mailed April 2, 2003, the Examiner indicated "The reissue oath/declaration filed with this application is defective because it fails to identify at least one error which is relied upon to support the reissue application. See 37 CFR 1.175(a)(1) and MPEP §1414."

37 CFR 1.175(a)(1) provides:

(a) The reissue oath or declaration in addition to complying with the requirements of §1.63, must also state that:

(1) The applicant believes the original patent to be wholly or partly inoperative or invalid by reason of a defective specification or drawing or by reason of the patentee claiming more or less than the patentee had the right to claim in the patent, stating at least one error being relied upon as the basis for reissue;

MPEP §1414 provides, in pertinent part:

In identifying the error, it is sufficient that the reissue oath/declaration identify a single word, phrase or expression in the specification or in an original claim, and how it renders the original patent wholly or partly inoperative or invalid.

The reissue oath/declaration filed with the subject reissue application provides the following with regard to error upon which reissue is based:

One of the reasons upon which reissue is based is due to the patentee failing to claim subject matter relating to a bar code reader and the functioning of the bar code reader. This failure caused the patentee to claim less than he had the right to claim in the patent. This subject matter is show in Figure 1 and is discussed in the patent at column 4, lines 42-48.

Applicant's representative respectfully submits the reissue oath/declaration filed with the subject reissue application encompasses the corrections to independent claims 23, 38, 41, 42 and/or 46. Independent claim 23 relates to a portable device comprising a housing, a bar code reader and a thumb wheel. Independent claim 38 relates to a data collection device comprising a bar code scanner for collecting information; and a thumb wheel. Independent claim 41 relates to a portable inventory control device comprising means for scanning bar code information; and means for

09/921,103

T068

facilitating user interfacing with the device. Independent claim 42 relates to a method of using a portable inventory control device comprising (1) collecting information *via a bar code reader*; (2) displaying the information *via* a display of the device; and (3) selecting a displayed function and/or item *via* a thumb wheel that is rotatable about an axis. Further, independent claim 46 relates to an inventory control system comprising a network backbone, a computer operatively coupled to the network backbone; and a portable data collection device operatively coupled to the computer *via* the network backbone, *the device comprising a bar code reader adapted to facilitate collecting information*; a thumb wheel; and, a transceiver.

Thus, each of the added independent claims relates to a bar code reader as set forth in the reissue oath/declaration. Accordingly, applicant's representative respectfully submits the reissue oath/declaration filed with the subject reissue application encompasses the corrections to independent claims 23, 38, 41, 42 and/or 46. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments herein.

Conclusion

The present application is believed to be condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

09/921,103

T068

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

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